



Rob Morse

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Tuesday, April 22, 1997 · Page A 2

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Relax and Kick Back

Feel Better. Work Better. Live Better.

No immunity to kill with impunity

ROB MORSE

IN THE continuing contest for most evil people in corporate America, tobacco executives are still way out front.

Sorry, hospital executives. Sorry, corporate downsizing consultants. The tobacco boys have outdone even themselves.

They want Congress to grant them immunity from all lawsuits. While Congress is at it, why not give the cocaine cartels free rides across the border?

All the tobacco cartels would have to do in return, if negotiations with various state attorneys general and Congress go their way, is pay a few billion dollars and "cut back" on ads.

I guess that would be like cutting back on cigarettes.

Tobacco moguls continue to claim tobacco is not addictive while they try to buy legal immunity from those they've addicted.

This places them far ahead of hospital executives and downsizing consultants on the evil scale. Hospital execs are probably calling their lobbyists to see if they can get immunity from lawsuits as they downsize doctors and nurses out of hospitals.

* Every liberal's favorite bad guys, the National Rifle Association, have become targets as boring as the sides of barns. They've got nothing on tobacco execs.

Compare the claims of the NRA and the tobacco industry.

The NRA says, "Guns don't kill people, people do." They don't deny that a bullet shot from a gun can kill someone.

The tobacco lobby denies that tobacco smoke is harmful at all, even when the barrel of a cigarette is aimed straight at someone's mouth.

Tobacco does kill people, and so do people - the people who run the tobacco industry.

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These guys are really evil. The politicians who take money from them are somewhat smaller tools from the devil's tool kit.

San Francisco's mayor, who made the curious transition from tobacco's man in the Assembly to "humanitarian of the year" of the American Cancer Society, is a tool of the devil emeritus.

* Evil isn't what it used to be. It whines, denies, nitpicks and speaks of "risk factors." Recently, the Miami Herald got hold of depositions made by the chief executives of the top four tobacco companies involved in a class-action lawsuit.

You can see why these guys want immunity from Congress. Their excuses for poisoning people were pathetic.

Andrew Schindler, president of R.J. Reynolds Tobacco, said his late father, a three-pack-a-day man with circulation problems, had been ordered to stop smoking by his doctor.

Schindler said he and his wife have tried to quit smoking and failed. Nevertheless, he said he doesn't believe tobacco is any more addictive than coffee or carrots.

He didn't say if he has ever tried and failed to kick a three-bunch-a-day carrot habit.

He said smoking is just a "risk factor" for cancer and other diseases. And a bullet is just a risk factor for death.

The NRA doesn't say anything as dumb as that.

* So what are the risk factors for tobacco companies?

They seem on the verge of losing billions worth of lawsuits in 22 states. The Liggett Group, maker of L&Ms and Chesterfields, recently released internal documents that could show the industry tried to conceal the hazards of smoking.

These risk factors add up to something like looking down the muzzle of a .45 at 10 feet, or smoking three packs a day for 25 years. Naturally, tobacco companies want to make a deal. But whom would an immunity deal benefit?

Check out the stock market, that handy, amoral measure of capitalist risk factors. When the possible deal was announced last week, cigarette companies' stocks bounced up 10 percent.

Cutting back on ads with Joe Camel didn't faze investors. They're more impressed by having money in companies above the reach of damaged consumers and their lawyers.

Also, any deal with government will not affect cigarette makers' overseas business. So guess what? On Monday, Philip Morris announced it will increase its investment in its cigarette plant in Krakow, Poland.

Law schools should start teaching Polish.

* In a crucial lawsuit in Florida, the kind an immunity deal would prohibit, the family of a woman named Jean Connor claims R.J. Reynolds killed Connor by addicting her to Salem cigarettes.

The family's lawyers claim she believed cigarette makers when they said cigarettes

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are harmless.

R.J. Reynolds' lawyer said, essentially, that she should have known they were only fooling. He said she should have been aware of the risks, by the common knowledge dating as far back as Mark Twain that smoking is bad for the health.

That's common knowledge R.J. Reynolds' president says he doesn't have. For him, cigarettes are as dangerous as carrots.

You can imagine what kind of fun Mark Twain would have with that one. Yep, carrots are a risk factor - for kids who hate to eat their vegetables.

The truth is a risk factor for the tobacco companies - unless they get immunity from it.

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Lawsuit immunity for tobacco firms strongly opposed: Officials balk on key settlement issues

By Anthony Flint, Globe Staff, 04/23/97

Attorneys general suing the tobacco industry have told cigarette makers they will not get blanket immunity from future lawsuits as part of a proposed settlement, according to people familiar with the ongoing talks.

"They were told, point blank, they're not going to get immunity on the civil side," an official involved in the negotiations said yesterday.

"They have taken a very hard line on immunity," said James E. Tierney, former attorney general of Maine, who is assisting the 23 attorneys general suing the tobacco industry to recoup Medicaid costs incurred by sick smokers.

The aggressive stance on immunity, delivered Sunday during settlement talks in Chicago, is significant because immunity is the linchpin in any deal between tobacco companies and their legal foes.

The companies are willing to eliminate virtually all advertising and marketing, pay a settlement award of roughly \$300 billion and submit to regulation by the Food and Drug Administration - but only if they can be protected from future litigation by a special act of Congress.

Now the focus of the talks, which are set to resume next week, is on whether some form of modified immunity would be acceptable to the industry.

Tobacco executives had hoped to create a national fund where smokers could make claims for lost earnings or medical costs, similar to the way workers compensation claims are processed. It would be an administrative process and smokers could not seek punitive damages in court.

But after hearing an outcry from critics about depriving citizens of their right to sue, as well as

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CIGARETTE TAX PROPOSAL

By From Tribune News Services

Web-posted Wednesday, April 23, 1997; 6:02 a.m. CDT

Dateline: LANSING, MICHIGAN

Putting tax stamps on cigarette packages and collecting the state cigarette tax should be the job of cigarette makers, Gov. John Engler said Tuesday.

Engler said the proposal would bring in at least \$25 million more for schools and cut back on the estimated \$17 million or more the state is losing each year to smuggling.

The cigarette makers "want access to a market in Michigan with what today is considered a questionable product," the governor said. "It makes sense that if they want to do business in Michigan, they take responsibility here."

Walker Merryman, vice president of the Tobacco Institute in Washington, blamed Michigan's second-highest-in-the-nation cigarette tax for the smuggling increase. "We won't (comment) until we're certain that this is the governor's final position," he added.

The governor's recommendation flies in the face of a Senate-passed bill to have the stamps affixed by cigarette distributors.



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Assembly defeats anti-tobacco measure

UPI 4/21/97 6:54 PM.

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SACRAMENTO, April 21 (UPI) -- The California Assembly has defeated a resolution asking tobacco makers to discontinue use of the Joe Camel character in Camel cigarette advertising.

The resolution by Assemblyman Don Perata of Alameda failed to win passage today (Monday) on a 35-to-41 vote -- six votes short of a majority.

It was addressed to R.J. Reynolds Corp., which introduced the Joe Camel cartoon character in the late 1980s.

Perata says since then, Camel's market share has increased by 66 percent, due in part to the ad character's impact on the subteen and teenage market.

Company directors decided last week against dealing with the Joe Camel issue, but Perata says the tobacco industry is on the run and it's important for California to keep up the pressure.

He mentioned a reported possible \$300 billion industry payback to the federal government and several states to settle lawsuits over deaths and healthcare costs related to tobacco use.

Assemblyman Bernie Richter, R-Chico, said he would vote for the resolution despite his opinion that politicians are making too much of the issue. He said he would advise people against smoking, but considers the issue much less critical than crime and unwed pregnancies, for example.

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Assembly defeats antitobacco measure

Sacramento, California

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SACRAMENTO -- Assembly Urges Dropping Joe Camel

Chronicle Sacramento Bureau

Sacramento

The state Assembly voted yesterday to urge RJR/Nabisco to drop the cartoon character Joe Camel in marketing Camel cigarettes.

On a vote of 53 to 9, the 80-member body approved a resolution calling on the tobacco giant to cease its widely seen advertising campaign, which the resolution's backers said is meant to entice teenagers into smoking.

"This campaign of Joe Camel is aimed at our children," said Assemblyman Don Perata, D-Oakland. "This is not the Cookie Monster we're fighting against. This is not a benign character."

Last week, the board of directors of RJR/Nabisco voted down a suggestion to abandon the ad campaign, Perata said.

Several lawmakers said the resolution has no effect other than to express the Legislature's wishes.

"This is not about substance, it's about posturing," said Assemblyman Bernie Richter, R-Chico. "As bad as cigarettes are, as bad as tobacco is, I don't know of any smoking or tobacco that has caused drive-by shootings."

The resolution must still be approved by the Senate.

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PR Newswire

Universal Outdoor Holdings, Inc. Responds to Elimination of Tobacco Advertising on Billboards

Chicago, Illinois

Universal Outdoor Holdings, Inc. (Nasdaq: UOUT), responded to recent news reports concerning the possible elimination of tobacco advertising on billboards. Universal has no independent information concerning these reports and can not speculate whether such an action will be proposed or eventually approved.

Universal's pro forma 1996 net revenues from tobacco were approximately 10.8% of its net revenues. "We do not expect any immediate impact upon our business from the rumored negotiations for settlement of the tobacco litigation," reported Daniel L. Simon, president of Universal Outdoor Holdings, Inc.

"Even if a ban on billboard advertising of tobacco is eventually upheld, Universal believes replacement revenues would be obtained from other advertisers interested in prime locations occupied by tobacco advertisers. Also, Universal's local sales efforts have been successful in showing our media to be an attractive alternative for a variety of advertisers which have used other advertising media in the past. We expect these new advertisers to become even more interested if additional high visibility locations become available," Simon said.

Universal Outdoor Holdings, Inc. is a leading outdoor advertising company and currently operates over 31,000 displays in 23 Midwestern, Southeastern and East Coast Markets. SOURCE Universal Outdoor Holdings, Inc. CONTACT: Paul Simon of Universal Outdoor Holdings, Inc., 312-644-8673, or Jeff Wescott, General Information, of The Financial Relations Board, 312-266-7800